

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579**

IN THE MATTER OF THE CLAIM OF

GEORGE K. HARPER

Claim No. CU -0695

Decision No. CU -6234

**Under the International Claims Settlement
Act of 1949, as amended**

Counsel for claimant:

George R. Harper, Esq.

Appeal and objections from a Proposed Decision entered June 16, 1971.

Oral hearing requested and held on July 7, 1971.

Testimony by claimant and argument by George R. Harper, Esq.

FINAL DECISION

By Proposed Decision issued June 16, 1971, the Commission certified a loss to the claimant in the amount of \$748,646.27 for his ownership interests in real and personal property, including a stock interest in Cia. Ganadera de la Costa Sur, S.A., which were taken by the Government of Cuba. Claimant objected to the Proposed Decision wherein it had been determined that the claimed property was subject to Cuban laws on community property and requested an oral hearing which was held on July 7, 1971. Claimant further objected to the finding that the cash in the private depository and in the office at Calle D, Vedado, was owned jointly by him and his wife instead of being the property of Cia. Ganadera de la Costa Sur, S.A.

At the oral hearing held on July 7, 1971, claimant GEORGE K. HARPER presented testimony concerning the manner in which he derived his ownership interests in Cia. Ganadera de la Costa Sur, S.A. and argument was made by counsel George R. Harper.

Based upon all the evidence of record, including claimant's testimony and the stock certificates, the Commission now finds that the funds left in a private depository in Havana valued at \$11,100.00 and the cash valued at \$35,000.00 in

claimant's office in Cuba were the property of Cia. Ganadera de la Costa Sur, S.A. The Commission further finds that claimant received a one-half interest in Cia. Ganadera as a gift from his mother and the remaining one-half interest belonged to claimant and his wife. Accordingly claimant owned 75% of the outstanding capital stock of the corporation which the Commission now finds had a value of \$1,331,730.03 at the time of loss. The Commission concludes that claimant suffered a loss in the amount of \$998,797.53 for his ownership interests in Cia. Ganadera de la Costa Sur, S.A. within the meaning of Title V of the Act.

Claimant's losses are now summarized as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Value of Claimant's Interest</u>
Ganadera:		
267 caballerias	December 22, 1959	\$ 414,034.20
Equipment, etc.	December 22, 1959	275,268.69
Repair Department	April 1, 1960	28,274.99
BANFAIC stock	July 20, 1960	14,385.00
38 caballerias	February 15, 1961	142,500.00
Equipment, etc.	February 15, 1961	57,509.65
New Improvements	February 15, 1961	32,250.00
Cash in private depository	August 9, 1961	8,325.00
Cash in the office	March 3, 1961	26,250.00
Santa Teresa	November 1, 1960	76,875.00
Havana Biltmore Yacht & Country Club membership	March 19, 1960	250.00
Household furnishings	March 31, 1961	1,312.50
Promissory notes	October 24, 1960	2,000.00
Automobiles	March 31, 1961	2,343.75
		<u>\$1,081,578.78</u>

The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644) and in the instant case it is so ordered as follows:

<u>FROM</u>	<u>ON</u>
December 22, 1959	\$ 689,302.89
March 19, 1960	250.00
April 1, 1960	28,274.99
July 20, 1960	14,385.00
October 24, 1960	2,000.00
November 1, 1960	76,875.00
February 15, 1961	232,259.65
March 3, 1961	26,250.00
March 31, 1961	3,656.25
April 9, 1961	8,325.00
	<u>\$1,081,578.78</u>

Accordingly, the Certification of Loss in the Proposed Decision is set aside, the following Certification of Loss will be entered and in all other respects the Proposed Decision, as amended herein, is affirmed.


CERTIFICATION OF LOSS

The Commission certifies that GEORGE K. HARPER suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Million Eighty-one Thousand Five Hundred Seventy-eight Dollars and Seventy-eight Cents (\$1,081,578.78) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement.

Dated at Washington, D. C.,
and entered as the Final
Decision of the Commission

OCT 13 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

GEORGE K. HARPER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0695

Decision No. CU- 6234

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by GEORGE K. HARPER in the amended amount of \$1,645,035.03, based upon the asserted ownership and loss of real and personal property, and certain stock interests in Cuba. Claimant has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

The record includes supporting evidence, further discussed below. On the basis thereof, the Commission finds that claimant owned certain items of real and personal property in Cuba. Pursuant to the community property laws of Cuba, all property acquired by either spouse during coverture is owned in equal shares by both spouses, except property acquired by gift or inheritance. (See Claim of Robert L. Cheaney and Marjorie L. Cheaney, Claim No. CU-0915.) Based upon the evidence of record, the Commission finds that claimant and his wife each owned a one-half interest in certain properties subject of this claim, as indicated hereafter.

Claimant's spouse acquired nationality of the United States on December 6, 1963 (see Claim of Phyllis Harper Smith, et al, Claim No. CU-1532). As shown below, the properties subject of this claim were taken by the Government of Cuba prior to her naturalization in December 1963. Accordingly, so much of the claim as may be based on her interest, must be and is denied as it is not within the terms of Section 504(a) of the Act, which provides:

A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The items of claim are described as follows:

1. Stock interest in Banco de Fomento Agrícola e Industrial de Cuba (BANFAIC)	\$ 19,180.00
2. 100% ownership of Cia. Ganadera de la Costa Sur, S.A. (Ganadera)	1,266,450.03
3. 50% interest in Reparto Santa Teresa, S.A.	290,500.00
4. Havana Biltmore Yacht & Country Club Stock	250.00
5. Household furniture at 19401 7th Avenue, Reparto Siboney, Marianao	3,500.00
6. Cash in a private depository	11,100.00
7. Cash at office at 508 D Street, Vedado	35,000.00
8. Promissory notes	4,000.00
9. Two automobiles	7,500.00
10. Accounts Receivable	<u>7,555.00</u>
	\$1,645,035.03

CU-0695

The record includes documents issued by BANFAIC; documentation from the National Institute for Agrarian Reform (INRA); photographs; invoices and receipts; notarial documents pertaining to Ganadera, and to Santa Teresa, as well as to land purchases; mortgage bonds (paid); list of personalty; letters concerning funds in Cuba; and documentation regarding the automobiles.

On the basis of the entire record, the Commission finds that claimant owned property interests taken by the Government of Cuba, all as further discussed below.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value, or cost of replacement.

The question, in all cases, will be to determine the basis of valuation which, under the particular circumstances, is "most appropriate to the property and equitable to the claimant". This phraseology does not differ from the international legal standard that would normally prevail in the evaluation of nationalized property. It is designed to strengthen that standard by giving specific bases of valuation that the Commission shall consider.

(1) Stock in BANFAIC

Claim is asserted in the amount of \$19,180 for a stock interest in Banco de Fomento Agrícola e Industrial de Cuba, representing 3,836 shares at \$5.00 per share. Claimant states that this stock represented a type of planned saving which BANFAIC required its clients to purchase when a loan was made through this Bank, the stock to be redeemed at the time of liquidation of the loan. Claimant states that when his property was confiscated he still owed money to the bank because of the pending mortgage and that therefore the stock was still outstanding.

In support of this item the claimant submitted two certificates issued

CU-0695

by BANFAIC in November 1953 and February 1954 to Ganadera for a total of 3,831 shares; and a check issued in June 1953 by Ganadera to the Asociacion de Credito Rural, apparently representing another five shares. It further appears from the record that BANFAIC has since been absorbed by INRA, without compensation for the shares.

Inasmuch as the BANFAIC shares in fact were issued to Ganadera, they have been considered in determining claimant's losses through that company.

(Item 2)

(2) Cia. Ganadera de la Costa Sur, S.A.

The claim for this item is summarized by claimant as follows:

Improvements and inventory		\$638,996.07	
Less payment received		<u>195,291.62</u>	
		\$443,704.45	
Repair Department		37,699.98	
Land			
267 caballerias taken on			
December 22, 1959	\$1,335,000.00		
38 caballerias taken			
February 1961	<u>190,000.00</u>		
	\$1,525,000.00		
Less Mortgage	<u>782,954.40</u>		
		\$742,045.60	
Improvements to the			
38 caballerias	43,000.00	<u>43,000.00</u>	
			\$1,266,450.03

Since Ganadera was organized under the laws of Cuba, it does not qualify as a corporate "national of the United States" defined under Section 502(1)(B) of the Act as a corporation or other legal entity organized under the laws of the United States, or any State, the District of Columbia or the Commonwealth of Puerto Rico, whose ownership is vested to the extent of 50 per centum or more in natural persons who are citizens of the United States. In this type of situation, it has been held that an American stockholder is entitled to file a claim for the value of his ownership interest. (See Claim of Parke, Davis & Company, Claim No. CU-0180, 1967 FCSC Ann. Rep. 33.) The record shows that all of the stock of Ganadera was owned by claimant herein.

Ganadera was essentially a holding company under whose name the claimant herein operated certain rice and cattle farms. As will be seen further below, various properties were taken by the Government of Cuba

CU-0695

on various dates. It appears to have had no liabilities other than a loan secured by a mortgage on certain land.

The land involved was a highly mechanized rice and cattle farm located near Sancti Spiritus. The land had been converted from forests and waste land. Claimant states that over 10,156 acres had been cleared, levelled, irrigated, drained and converted into top-producing land with 18 deep pumping wells of sweet water which could produce over 40,000 gallons per minute, and which could be taken through a system of canals to any part of the farm. The farm also had 120 kilometers of improved interior roads, an air strip, miles of fences, bridges, culverts, reservoirs for water control with flood gates, and corrals and branding chutes for handling cattle.

The land involving 305 caballerias, was purchased in 1948 and thereafter claimant was instrumental in causing construction of a road with bridges and culverts which permitted vehicle traffic throughout the year. Land values in the area rose considerably. The cost of preparing the land was over \$100 per acre, and claimant asserts a value of \$150 per acre (\$5,000 per caballeria) at the time of loss. Considering the fact that rice land of the type involved here was double such value elsewhere, and considering the value of similar properties throughout Cuba, the Commission finds claimant's evaluation fair and reasonable.

The record discloses that pursuant to the Agrarian Reform Law of Cuba, the Government of Cuba, through its National Institute for Agrarian Reform, expropriated 267 caballerias of claimant's land on December 22, 1959 (see Claim of Council Bluffs Savings Bank, Claim No. CU-1290); and further the Commission finds that the value of this land was \$1,335,000. However, the total area of land was encumbered by a mortgage in the amount of \$782,954.40, in favor of El Banco Agrícola e Industrial de Cuba, S.A. After deduction of this mortgage, claimant's equity in this part of the property is seen as \$552,045.60.

The 305 caballerias of land was improved by residences, an

CU-0695

airplane hanger, pilots' dormitory, warehouse, office building, eight other warehouses, equipment, livestock fertilizer, fumigants, and similar improvements, equipment and supplies, all of which are described by claimant and listed in a document acknowledged by the Government of Cuba. The Commission finds that the value of these properties was \$638,996.07. This does not include improvements made later to 38 caballerias taken later, and discussed below. Further, part of the improvements and equipment represented by the aforesaid figure was taken on December 22, 1959 and a portion was taken later. The Commission finds that the value of the improvements and equipment, and livestock, etc., taken on December 12, 1959 was \$563,316.54. However, claimant received \$195,291.62 on account thereof from the Government of Cuba. Accordingly, the loss suffered for this item, on December 22, 1959 was \$367,024.92.

Claimant has also documented the existence of a completely equipped repair parts department, taken by the Government of Cuba on April 1, 1960. The inventory for these parts consisted of 124 pages, according to claimant, and was turned over to the Government of Cuba for issuance of a check which was never received. The covering invoice is in the amount of \$37,699.98, which the Commission finds fair and reasonable, considering the type of equipment to be serviced, and finds that a loss was suffered in that amount on April 1, 1960.

With respect to the BANFAIC shares, claimant has established ownership, in an amount of \$19,180, of such savings certificates. Information available to the Commission discloses that the functions of BANFAIC were transferred to INRA, that on July 7, 1960, all loans effected by this Bank were transferred to the State, and on July 20, 1960, the Government of Cuba took over all assets of this dissolved entity. Accordingly, the Commission finds that on July 20, 1960, a loss was suffered through Ganadera, in the amount of \$19,180.

Subsequent to the confiscation of the first portion of land, and appurtenances, claimant developed an organization on the remaining 38 caballerias, and in addition to the physical plant existing, was forced

to build additional houses, warehouses, a dairy, and the like. However, these properties were taken by the Government of Cuba in February, 1961, and the Commission finds in the absence of evidence to the contrary, that the taking was effected on February 15, 1961. This taking covered 38 caballerias of land, certain plant and equipment already in existence and newly added improvements. The Commission, on the basis of the record finds these values as follows:

38 caballerias of land	\$190,000.00
Existing plant and equipment	76,679.53
New improvements	43,000.00

Accordingly, the Commission finds that the total losses sustained by claimant and his spouse through Ganadera were in the amount of \$1,285,630.03, in which claimant's interest was \$642,815.02.

(3) Reparto Santa Teresa, S.A.

On the basis of the entire record in this claim and in the Claim of Marie K. Harper (CU-0305), the Commission finds that claimant held a 50 per cent interest in Reparto Santa Teresa, S.A. In that claim (which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on November 1, 1960 and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value of the Company as \$307,500.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant held a one-half interest in the Reparto Santa Teresa, S.A. since prior to November 1, 1960, and that considering the community property law of Cuba, he suffered a loss in the amount of \$76,875 within the meaning of Title V of the Act.

(4) Havana Biltmore Yacht & Country Club

The Commission has found that the Havana Biltmore Yacht and Country Club was intervened by the Government of Cuba on March 19, 1960 (see Claim of Arman E. Becker, Jr., Claim No. CU-1094).

Claimant herein inherited one share of stock in that Cuban Corporation which was a membership interest in the Country Club with the right to use the Club's facilities, but with no interest in the Club's physical assets. The Commission holds that claimant's right of membership alone also constituted property within the meaning of Section 502(3) of the Act, and that upon the intervention of the Club by the Government of Cuba, claimant sustained a loss within the scope of Title V of the Act.

Upon consideration of all the evidence of record, including the Becker claim, the Commission finds that the value of the membership interest in the Country Club should be measured by the investment or cost of membership. The record shows that claimant values the investment at \$250.00. Accordingly, the Commission finds that the value of this interest in the Country Club on March 19, 1960, the date of loss, was \$250.00, and claimant suffered a loss in that amount.

(5) Household furnishings.

Claimant asserts the loss of household furnishings used at the claimant's home at 19401 7th Avenue, Reparto Siboney.

In the Claim of Constance S. Pardo (CU-0978) (claimant's mother-in-law), the Commission found that this improved real property was taken by the Government of Cuba on March 31, 1961. The Commission now finds that the personal property therein, belonging to GEORGE K. HARPER and his wife, Eleanor Elizabeth Pardo Harper, was also taken on March 31, 1961.

Claimant has submitted a detailed list of these properties with estimated values. As it appears, however, that the items were of varying ages and subject to depreciation, the Commission finds that on the date of loss, these properties had a value of \$2,625, and that claimant thereby suffered a loss of \$1,312.50 on March 31, 1961.

(6) Cash in a private depository

The record discloses that on November 29, 1960, claimant delivered 11,100 pesos to the American Embassy in Havana for safekeeping. Upon the closing of the Embassy, this fund and other funds were turned over to a private depository.

CU-0695

Law 568, published in the Cuba Official Gazette on September 29, 1959, forbade the transfer of funds abroad and effectively operated to block the funds of anyone who left the country.

By Law 963, published in the Cuban Official Gazette on August 4, 1961, a currency exchange was effected. Currency was required to be turned in at certain centers and a new currency was provided. There was no change in value. However, each person was to receive 200 pesos in new currency, and all over that amount was placed in a special account in his name. The "old" currency was required to be surrendered on August 6, and August 7, 1961.

Claimant's funds, and others, were surrendered by said private depository for exchange under Law 963, but nothing was received in return.

By Law 964, published in the Cuban Official Gazette on August 9, 1961, it was provided that the owners of the deposits created under Law 963 could draw up to 1,000 pesos, the balance up to 10,000 remained in so-called "special accounts", and all amounts over 10,000 pesos passed to the State Treasury.

It is clear that Law 963 was designed to draw any funds in circulation, and not on deposit in banks, into the possession of the Cuban Government, and that the fictional "special accounts" created thereby were effectively confiscated by the provisions of Law 964, which became effective two days after the "old" currency was required to be surrendered.

In the absence of evidence to the contrary, the Commission finds that claimant's fund of 11,100 pesos was taken by the Government of Cuba on August 9, 1961, the date Law 964 took effect. Further, the Commission finds that on August 9, 1961, the 11,100 pesos had a value of \$11,100 and concludes that claimant sustained a loss in the amount of \$5,550 within the meaning of Section 503(a) of the Act (see Claim of Dorothy G. O'Kieffe, Claim No. CU-1242).

(7) Cash at claimant's office

Claimant asserts the loss of 35,000 Cuban pesos confiscated on March 3, 1961 from his office at 508 D Street, Vedado. In support, he has

CU-0695

submitted the sworn statement of the person, claimant's employee, who was in the office when agents of the Cuban Government required the files to be opened, whereupon the money was seized. Claimant thereafter reported this to the Department of State.

On the basis of the entire record, the Commission finds that claimant was the owner of \$35,000 (the peso being on a par with the dollar) which was taken by agents of the Cuban Government on March 3, 1961, and that he thereby suffered a loss of \$17,500 within the scope of the Act.

(8) Promissory Notes

Claim is also asserted for one-half of the value of \$8,000 in promissory notes signed by Cia. Primer Molino Arroceros de Cuba. Claimant states that he and his partner sold this rice mill but the promissory notes accepted in part payment were not paid because the Cuban Government confiscated the mill.

Claimant has submitted four notes issued on August 29, 1958, payable in four successive years on September 15, commencing with 1960.

The Commission has determined that debts of nationalized Cuban corporations are within the scope of the act (see Claim of Kramer, Marx, Greenlee and Backus, Claim No. CU-0105, 25 FCSC Semiann. Rep. 62 [July-Dec. 1966]). Claimant states that the company was taken, and that its assets, a block of warehouses, as well as the rice mill, were confiscated. The Commission has found that enterprises dealing in rice ventures were generally nationalized on October 24, 1960, under Resolution 3 (pursuant to Cuban Law 851) and the Commission finds that Arroceros was nationalized on that date, and that claimant's loss in connection with a one-half interest in the notes was in the amount of \$2,000.

(9) Automobiles

Claim has been asserted in the amount of \$7,500 for two automobiles: One is described as a 1959 Ford pick-up truck; the other described as a 1958 Ford Fairlane. Exhibit H-1, originally submitted with the claim, lists the 1958 Ford Fairlane; and a Dodge custom Royal 4-door sedan, 1956 model.

CU-0695

The notes to Exhibit H-1 recite that the Dodge is covered by Exhibit A. This Exhibit A is the inventory referred to in Item 1 of this claim. It is noted that Exhibit I (referring principally to the \$35,000, Item 7 above) contains a reference to this Dodge, and to a Ford.

The notes to Exhibit H-1 refer to the Ford Fairlane as being under Exhibit M. Exhibit M, however, is another copy of Exhibit I, and the notes to Exhibit M refer to the loss of the 1958 Fairlane. Additionally, these notes refer to the 1959 Ford pick-up, and identify it as appearing in the photograph of Exhibit A-5.

The Commission finds that the Dodge was part of the assets of Canadera and was considered there.

The Commission finds that claimant and his spouse owned equal interests in a 1958 2-door Ford Fairlane sedan and in a 1959 Ford pick-up truck with dual transmission, equipped with a winch. The Commission further finds that these vehicles were also taken by the Government of Cuba on March 31, 1961.

The Commission holds that these vehicles were subject to depreciation at the rate of 15 per cent per annum, and that on the date of loss the Ford Fairlane had a value of \$2,062.50 and the truck had a value of \$2,625.00, aggregating \$4,687.50. Thus claimant suffered a loss in the amount of \$2,343.75 in this connection.

(10) Accounts Receivable

Claim is asserted for two debts in amounts of \$1,600 said to be due from a United States citizen and \$5,955, said to be due from a Cuban citizen. It is said these were lost as the assets of both were intervened and lost. In this connection claimant has submitted two untranslated letters with notes purporting to establish the debt of \$5,955; and another set of papers, with some duplication, to show the debt of \$1,600. Claimant further states that the \$1,600 was borrowed from him in an effort to save the borrower's home; and the Cuban citizen, a former employee, was forced to use claimant's funds in some part, inasmuch as his own funds were confiscated.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d)(1970).)

The Commission finds that claimant has not established that the amounts of \$5,955 and \$1,600 claimed as debts from individuals, come within the scope of Title V of the Act, and these items are denied.

Additional Item

A Cuban corporation known as Propietaria de Bienes San Luis was the subject of Claim No. CU-1532, Claim of Phyllis Harper Smith, et al. Counsel in that claim urges now that funds in the First National Bank of Boston, apparently belonging to that company, were withdrawn by Elizabeth Pardo Harper, with due authorization, and used by her and claimant to pay a mortgage. This was an effort to utilize the funds before they could be taken by the Cuban Government. It is contended that this is a valid claim against the Government of Cuba as the funds were taken from a United States citizen. Nevertheless, it appears that the funds were expended for value received and were not as such confiscated by the Cuban Government. It appears that any debt running from claimant to the stockholders of the aforesaid corporation, a family entity, is a matter beyond the scope of Title V of the Act.

Accordingly, the Commission finds it unnecessary to make any further determination in this matter.

CU-0695

Recapitulation

Claimant's losses within the scope of Title V of the Act are summarized as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Value of Claimant's Interest</u>
Canadera:		
267 caballerias	December 22, 1959	\$276,022.80
Equipment, etc.	December 22, 1959	183,512.46
Repair department	April 1, 1960	18,849.99
BANFAIC stock	July 20, 1960	9,590.00
38 caballerias	February 15, 1961	95,000.00
Equipment, etc.	February 15, 1961	38,339.77
New improvements	February 15, 1961	21,500.00
Santa Teresa	November 1, 1960	76,875.00
Havana Biltmore Yacht & Country Club membership	March 19, 1960	250.00
Household furnishings	March 31, 1961	1,312.50
Cash in private depository	August 9, 1961	5,550.00
Cash in the office	March 3, 1961	17,500.00
Promissory Notes	October 24, 1960	2,000.00
Automobiles	March 31, 1961	2,343.75
		<u>\$748,646.27</u>

The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered, as follows:

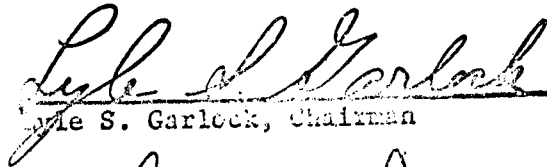
<u>FROM</u>	<u>ON</u>
December 22, 1959	\$459,535.26
March 19, 1960	250.00
April 1, 1960	18,849.99
July 20, 1960	9,590.00
October 24, 1960	2,000.00
November 1, 1960	76,875.00
February 15, 1961	154,839.77
March 3, 1961	17,500.00
March 31, 1961	3,656.25
August 9, 1961	5,550.00
	<u>\$748,646.27</u>

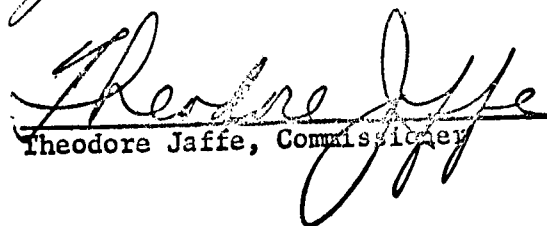
CERTIFICATION OF LOSS

The Commission certifies that GEORGE K. HARPER suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seven Hundred Forty-Eight Thousand Six Hundred Forty-Six Dollars and Twenty-Seven Cents (\$748,646.27) with interest at 6% per annum from the respective dates of loss to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

JUN 16 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended (1970).)

CU-0695